

Alex Rate  
ACLU of Montana  
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Missoula, MT 59806  
Telephone: (406) 224-1447  
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*Attorney for Plaintiffs*

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**BUTTE DIVISION**

<p>JOHN ROE and JANE DOE,</p> <p>Plaintiffs,</p> <p>-vs-</p> <p>KRISTI NOEM, in her official capacity as Secretary of Homeland Security; the DEPARTMENT OF HOMELAND SECURITY; and TODD LYONS, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement,</p> <p>Defendants.</p>	<p>CV 25-40-BU-DLC</p> <p>Hon. Judge Dana Christiansen</p> <p style="text-align: center;"><b><u>DECLARATION OF</u></b> <b><u>ALEX RATE</u></b></p>
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I, Alex Rate, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I submit this declaration in support of Plaintiffs' Notice to the Court re:  
Efforts to Accomplish Service.
2. I am over eighteen years of age and am competent to make this Declaration.
3. I am the Deputy Director and Legal Director at the American Civil Liberties Union of Montana.
4. I am an attorney representing the Plaintiffs in the instant case.
5. Attached hereto are true and correct copies of the following:
  - a. EXHIBIT A: Email from counsel for Plaintiffs to USDOJ on April 13, 2025;
  - b. EXHIBIT B: Email from USDOJ to counsel for Plaintiffs on April 14, 2025;
  - c. EXHIBIT C: Email from counsel for Plaintiffs to USDOJ on April 15, 2025.
6. Our office is working diligently to perfect formal service of all documents via a process server.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 15, 2025.

/s/ Alex Rate

Alex Rate

# EXHIBIT A



Outlook

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**Roe et al. v. Noem et al. - Student Visa Lawsuit**

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**From** Alex Rate <ratea@aclumontana.org>**Date** Sun 4/13/2025 6:45 PM**To** victoria.francis@usdoj.gov <victoria.francis@usdoj.gov>; brendan.mccarthy@usdoj.gov <brendan.mccarthy@usdoj.gov>; kurt.alme@usdoj.gov <kurt.alme@usdoj.gov>

9 attachments (1 MB)

ALEX RATE DECLARATION.pdf; BRIEF.pdf; COMPLAINT.pdf; EXHIBIT A.pdf; EXHIBIT B.pdf; EXHIBIT C.pdf; JANE DOE DECLARATION.pdf; JOHN ROE DECLARATION.pdf; MOTION.pdf;

Counsel - tomorrow morning we will be filing a lawsuit on behalf of two students at MSU Bozeman who had their F-1 visas revoked and their status changed in the SEVIS system. I am attaching the papers in this matter that will be filed in the morning.  
Please contact me if you have any questions.

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# EXHIBIT B



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**FW: Roe et al. v. Noem et al. - Student Visa Lawsuit**

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**From** Smith, Mark (USAMT) <Mark.Smith3@usdoj.gov>

**Date** Mon 4/14/2025 5:57 PM

**To** Alex Rate <ratea@aclumontana.org>

**Cc** Newman, John (USAMT) <John.Newman@usdoj.gov>; Cook, Shelly (USAMT) <Shelly.Cook@usdoj.gov>

Hi Alex.

We are preparing a response to your TRO motion & brief in the referenced litigation, which we hope to file soon. Those efforts – including looking into SEVIS actions and F1 statuses – are obviously impeded by the anonymity of your clients. Please provide us with their names. We will maintain the confidentiality of the information.

Thanks.



**Mark Steger Smith**

**Assistant U.S. Attorney**

**Civil Division Chief**

**U.S. Attorney's Office - District of Montana**

2601 Second Ave. N., Suite 3200 | Billings, Montana 59101

Desk: (406) 247-4667 | Mobile: (406) 698-1029

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**From:** Alex Rate <[ratea@aclumontana.org](mailto:ratea@aclumontana.org)>

**Sent:** Sunday, April 13, 2025 6:45 PM

**To:** [victoria.francis@usdoj.gov](mailto:victoria.francis@usdoj.gov); [brendan.mccarthy@usdoj.gov](mailto:brendan.mccarthy@usdoj.gov); Alme, Kurt (USAMT) <[Kurt.Alme@usdoj.gov](mailto:Kurt.Alme@usdoj.gov)>

**Subject:** [EXTERNAL] Roe et al. v. Noem et al. - Student Visa Lawsuit

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# EXHIBIT C





Outlook

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**Re: Roe et al. v. Noem et al. - Student Visa Lawsuit**

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**From** Alex Rate <ratea@aclumontana.org>**Date** Tue 4/15/2025 9:30 AM**To** Smith, Mark (USAMT) <Mark.Smith3@usdoj.gov>**Cc** Newman, John (USAMT) <John.Newman@usdoj.gov>; Cook, Shelly (USAMT) <Shelly.Cook@usdoj.gov>

Hi Mark - I'm out sick today but am trying to keep up with emails. I would think - given the small number of revocations in Montana as well as the identifying characteristics in our complaint - that your clients would have access to the identities of the plaintiffs. Is that not the case?

In any event, let's get a protective order in place and then we can provide you with the names. I've got a couple examples from recent state court cases that can be adapted unless DOJ has a preferred template. Thanks.

**Alex Rate** | Legal Director

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**From:** Smith, Mark (USAMT) <Mark.Smith3@usdoj.gov>**Sent:** Monday, April 14, 2025 5:57 PM**To:** Alex Rate <ratea@aclumontana.org>**Cc:** Newman, John (USAMT) <John.Newman@usdoj.gov>; Cook, Shelly (USAMT) <Shelly.Cook@usdoj.gov>**Subject:** FW: Roe et al. v. Noem et al. - Student Visa Lawsuit

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